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10 **FUJITSU LIMITED**

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF GUAM

11 NANYA TECHNOLOGY CORP. and
12 NANYA TECHNOLOGY CORP. U.S.A

13 Plaintiff,

14 -v-

15
16 FUJITSU LIMITED, FUJITSU
17 MICROELECTRONICS AMERICA, INC.,
18 Defendants.

FILED
DISTRICT COURT OF GUAM

DEC 11 2006 *hka*

MARY L.M. MORAN
CLERK OF COURT

CIVIL CASE NO. 06-CV-00025

**FUJITSU LIMITED'S MOTION FOR
LEAVE TO FILE REPLY IN
SUPPORT OF ITS OBJECTIONS TO
THE MAGISTRATE'S ORDER
GRANTING MOTION FOR
ALTERNATIVE SERVICE OF
PROCESS ON FUJITSU LIMITED**

[NO ARGUMENT REQUESTED]

1 NOW COMES Defendant Fujitsu Limited¹ ("Fujitsu") and respectfully moves this
 2 Honorable Court for leave to file herewith a short reply in support of its Objections to the
 3 Magistrate's Order Granting Motion for Alternative Service of Process on Fujitsu Limited.

4 The Court's relevant rule, stated in General Order No. 04-00016, refers only to the filing
 5 of objections to a magistrate judge's order and responses to those objections, and is silent as to
 6 the possibility of a reply brief. Fujitsu believes a reply should be permitted here. This is not an
 7 ordinary situation in which a reply in support of objections to a magistrate judge's order might
 8 not be necessary because there was complete briefing of the relevant issues before that magistrate
 9 judge, and the objections and response are simply repeating issues fully developed before that
 10 judge. Fujitsu never had an opportunity to brief the issues raised in the Objections before
 11 Magistrate Judge Manibusan because Nanya obtained the Order at issue *ex parte* on only a few
 12 hours notice. Thus, the proposed reply that Fujitsu seeks to file (submitted herewith) will be only
 13 its second brief with regard to the issues raised in the Objections, and is the only opportunity
 14 Fujitsu will have to make a submission to address Nanya's contentions in its Response.

15 For these reasons, Fujitsu respectfully asks that this motion be granted.

16 Respectfully submitted this 11th day of December, 2006

17 CALVO & CLARK, LLP
 18 Attorneys at Law
 19 Attorneys for Defendant
 20 *Fujitsu Limited*

21 By: 
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 23 RODNEY J. JACOB

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 26 ¹ The filing of this procedural motion is necessary to Fujitsu's pending objections. It is
 27 not a waiver of Fujitsu's continuing objections with regard to service. Similarly, in filing this
 28 necessary procedural motion, Fujitsu does not consent to personal jurisdiction, and respectfully
 reserves the right to raise that issue (and others as permitted under Fed. R. Civ. Proc. 12) in its
 first responsive pleading if and when it is properly served with the complaint in this matter.